



CHAPTER 21

An Act respecting the estate of the late Tancredé Bienvenu

[Assented to, the 10th of June, 1936]

WHEREAS Dame Clara Martin, of the city and district Preamble.

of Montreal, widow of the late Tancredé Bienvenu, in his lifetime banker, of the city of Westmount, district of Montreal, and Achille Bienvenu, manufacturer, of the said city of Montreal, have, by their petition, represented:

That the late Tancredé Bienvenu, by his will made before Joseph Sirois, notary, and his colleague, on the 2nd of March, 1929, as amended by four codicils, the first made before the same notaries, the second before Mtre. Ed. Biron and colleague, the third made in the form derived from the laws of England and the last made before Mtre. Victor Morin, and witnesses, dated respectively the 2nd of March, 5th of September, 11th of October and 4th of December, 1929, bequeathed, in trust, all the property which he would leave at his death, except the right of usufruct or habitation of certain properties created in favour of his wife, to five testamentary executors described by name;

That the testator ordered his testamentary and fiduciary executors to pay certain rents to his wife and his children the amount of which would, as regards the children, vary according to their respective ages and under certain conditions; that the will further ordered that in the event of the death of any of his children leaving issue, his testamentary and fiduciary executors pay to the latter an annual sum not exceeding twelve hundred dollars, as a pension and to aid in the cost of their maintenance and education; and that, upon the death of the last of his children, all the net revenue from his property be paid to all his grandchildren by heads and not by roots, and that, finally,

on the death of the last surviving grandchild, his testamentary executors immediately divide the entire property then composing his estate among all his great-grandchildren, by heads, in full ownership;

That, in order to assure complete performance of his wishes, the testator provided for replacing his testamentary and fiduciary executors, and extended their powers until the final partition of his property among his great-grandchildren;

That the testamentary and fiduciary executors now in office are the following: Honourable Esiof L. Patenaude, Lieutenant-Governor of the Province of Quebec, advocate and King's Counsel; the petitioner Dame Clara Martin, widow of the testator; Joseph Charles Hector Dussault, advocate and King's Counsel, of the city of Outremont, district of Montreal; Georges Pelletier, journalist, of the city of Montreal, and Armand Dupuis, civil engineer, also of the city of Montreal;

That the testator died in the city of Westmount, on the 5th of February, 1931;

That, by a power of attorney made and passed before Mtre. Victor Morin, notary, on the 29th of March, 1930, the late Tancredé Bienvenu constituted the petitioners his joint attorneys, stipulating, however, that only his wife, Dame Clara Martin, could sign cheques for acts done in the carrying out of the power of attorney;

That, under the aforesaid power of attorney, the petitioners administered the property of the testator until his death;

That the petitioners duly rendered an account of their administration to the testamentary and fiduciary executors, of their deceased mandator, by a statement duly certified by P. A. Gagnon, chartered accountant, dated the 4th of March, 1931, and duly audited by *La Société d'Administration et de Fiducie*, which the testator had expressly named by his will and codicils to keep the accounts of his estate;

That, according to such statement, your petitioners owed a balance amounting to three thousand seven hundred and seventy-three dollars and sixty cents and that they handed over such balance to the testamentary and fiduciary executors of the late Tancredé Bienvenu;

That, in rendering their account, the petitioners entered under the heading of expenditures the sums which Dame Clara Martin had employed to help her children and grandchildren during the period of her administration;

That each surviving child, issue of her marriage with the late Tancredé Bienvenu, except her daughter Germaine, who has joined a religious order, has so received, directly or indirectly, an amount of five thousand and fifty dollars, and a like amount was employed to assist the children of her predeceased daughter;

That the above sums were so paid, as an alimentary pension, to enable the children and grandchildren of the testator to live according to their social condition, and such payments did not exceed the limits of the obligation to furnish aliments incumbent upon the testator with regard to his fortune and his children's needs;

That in employing the above sums to help her children and grandchildren, Dame Clara Martin only followed the testator's own example, who never failed, when looking after his own affairs, to come to their assistance in proportion to their needs and his own fortune;

That the testator was aware of such payments and consented to and acquiesced in the same;

That the petitioners, consequently, were justified in entering the amount of fifty thousand five hundred dollars as expenditure, in rendering account of their administration;

That the petitioners are interested that the rendering of account by them, as established by the statement audited by P. A. Gagnon, be approved, and it is fair and just that your petitioners be freed from any liability as regards their administration;

That doubts have arisen as to whether the testamentary executors could validly grant to your petitioners the release they seek;

Whereas the petitioners have prayed for an act for the above purposes; and

Whereas it is expedient to grant their prayer;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The rendering of account submitted by Dame Clara Validation of certain rendering of account. Bienvenu, of the city of Montreal, widow of the late Tancredé Bienvenu, in his lifetime banker, of the city of Westmount, district of Montreal, and by Achille Bienvenu, manufacturer, of the city of Montreal, for their administration of the property of the late Tancredé Bienvenu, under the authority of the power of attorney made before Notary Victor Morin, as it appears in the statement certified by P. A. Gagnon, chartered accountant, dated the 4th of March,

1931, is approved and validated, and the balance of account remaining due after such administration is definitely fixed at the sum of three thousand seven hundred and seventy-three dollars and sixty cents.

Certain payment deemed to be full and final discharge of obligation. **2.** The payment of such sum is declared to be a full and final discharge with respect to all the heirs, legatees and legal representatives of the said late Tancredè Bienvenu; and the testamentary and fiduciary executors of the latter shall give to the said Dame Clara Bienvenu and the said Achille Bienvenu, provided that the above sum shall have been paid, a full and final acquittance and release from every recourse, right, action or claim which may have arisen or which may arise by reason of the administration by these latter of the property of the late Tancredè Bienvenu.

Costs of act. **3.** The costs, expenditures and fees incurred in the preparation and the passing of this act shall be chargeable to the estate, and the testamentary and fiduciary executors of the estate are hereby expressly authorized to effect the payment thereof out of the capital of the said estate.

Coming into force. **4.** This act shall come into force on the day of its sanction.